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File No. 6002.1323

VIA ECF

ORDER

Honorable Edward S. Kiel, U.S.M.J.
United States Magistrate Judge
Frank R. Lautenberg U.S. Post Office
& Courthouse Building
2 Federal Square
Newark, New Jersey 07102

Re: Adam Kavon, et al. v. BMW of North America, LLC
Case No.: 2:20-CV-15475-BRM-ESK

William Martin Burbank v. BMW of North America, LLC
Case No.: 2:21-CV-01711-MEF-ESK

Dear Judge Kiel:

I write on behalf of Defendant BMW of North America, LLC ("BMW NA") and, with the consent of their counsel, on behalf of the Plaintiffs in the above-referenced actions. As your Honor is aware, on July 20, 2021 this Court issued Orders (*Kavon* (dkt. 44); *Burbank* (dkt. 63)) consolidating the above-reference cases before Judge McNulty for coordinated discovery and case management purposes. Subsequently, the parties agreed to consolidated briefing on class certification, which this Court adopted as its order. (*Kavon* (dkt. 73); *Burbank* (dkt. 106)).

On November 29, 2023, Orders issued reassigning the *Kavon* case to Judge Brian R. Martinotti (*Kavon* (dkt. 85)) and the *Burbank* case to Judge Michael E. Farbiarz (*Burbank* (dkt. 114)). Having conferred regarding these reassignments and, with the intent to further the efficiency objectives that prompted this Court to consolidate the *Kavon* and *Burbank* cases before a common judicial officer, BMW NA and the Plaintiffs in the *Kavon* and *Burbank* matters respectfully requests that both cases get consolidated before Judge Martinotti, who was assigned the lower-numbered *Kavon* case.

If this proposal is acceptable to the Court, we kindly ask that you please "So Order" the Parties' request and that the *Kavon* and *Burbank* cases both proceed before Judge Martinotti.

So Ordered.

Respectfully submitted,

/s/ Edward S. Kiel

/s/ Douglas H. Amster

Edward S. Kiel, U.S.M.J.
Date: December 6, 2023

Douglas H. Amster of
LEWIS BRISBOIS BISGAARD & SMITH LLP